

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Fred Dever, *et al.*,

Plaintiffs,

v.

Case No. 3:06-cv-392
Judge Thomas M. Rose

Hon. Gene Kelly, Sheriff, *et al.*,

Defendants.

ENTRY AND ORDER ADOPTING THE REPORT AND RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE (DOC. 81) AND SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. 83), GRANTING MOTION FOR SUMMARY JUDGMENT OF DEFENDANTS SHERIFF KELLY, AND DEPUTIES CRAMBLETT, TILLMAN AND REED (DOC. 51) AND DENYING PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT (DOC. 37) AND DISMISSING WITH PREJUDICE THE CLAIMS AGAINST MR. CLARK.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the District Judge has made a *de novo* review of the record in this case. Upon said review, the Court finds that Plaintiff's objections (Docs. 82 & 84) to the Magistrate Judge's Report and Recommendations (Doc. 81) and Supplemental Report and Recommendations (Doc. 83) are not well taken and they are hereby **OVERRULED**. Accordingly, the Court **GRANTS** Motion for Summary Judgment of Defendants Sheriff Kelly, and Deputies Cramblett, Tillman and Reed (Doc. 51) and **DENIES** Plaintiffs' Motion for Partial Summary Judgement (Doc. 37) and, as recommended by the magistrate, **DISMISSES WITH PREJUDICE** the Claims Against Mr. Clark. The captioned cause is hereby **TERMINATED** upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Wednesday, July 2, 2008.

s/Thomas M. Rose
THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE